IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

Crl.Rev.Pet.No. 655 of 2007()

CRA.673/2003 of ADDL.SESSIONS COURT, THALASSERY
STC.2239/2003 of ADDL.CHIEF JUDICIAL MAGISTRATE COURT, THALASSERY

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REVN. PETITIONER: ACCUSED:

C.C. PADMANABHAN, S/O.RAMAN NAIR,
AGED 59 YEARS, BUSINESS,
RESIDING AT KULIRMA HOUSE,
NIRMALAGIRI P.O., KUTHUPARAMBA,
THALASSERY, KANNUR DISTRICT.

BY ADV. SRI.K.P.HAREENDRAN
SRI.E.N.VISHNU NAMBOODIRI

RESPONDENTS: COMPLAINANT & STATE:

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1. P.V. KUNHIRAMA KURUP,
S/O.KANNA NAMBIAR, AGED 75 YEARS,
RESIDING AT CHANDINI HOUSE, POOKODE,
KUTHUPARAMBA DESOM, P.O.POOKODE,
THALASSERY, KANNUR DISTRICT.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI. C.M. KAMMAPPU, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 13/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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CRL. R.P. NO. 655 OF 2007

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Dated this the 13th day of February 2007

O R D E R

The revision petitioner/accused stands convicted for the offence under section 138 of the Negotiable Instruments Act and sentenced, as modified by the Sessions Judge, to undergo imprisonment till rising of the court and to pay a fine of Rs. 40,000/- and in default to undergo simple imprisonment for three months and that out of the fine amount if realised, an amount of Rs. 38,000/- to be paid to the complainant.

2. Counsel for the revision petitioner has sought for time to make the payment and modification of sentence. I find that the cheque amount is Rs. 35,000/- only. According to the revision petitioner/accused, his case is that only Rs.5,000/- was borrowed and the blank cheque executed has been converted in to cheque for Rs. 35,000/-. In the circumstances, the sentence is modified to imprisonment till rising of the court and to pay a compensation of Rs. 35,000/- under Section 357(3) Cr.P.C and in default to

undergo simple imprisonment for three months. The petitioner/accused is granted three months time to pay the amount of compensation to the complainant. The revision petitioner shall appear before the Additional Chief Judicial Magistrate, Thalassery on 14.05.2007 to receive sentence.

The Crl. R.P. is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

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